

**NOTICE OF HEARING ON GERALD M. SCHWARTZ'S PETITION FOR
REINSTATEMENT TO PRACTICE LAW**

On May 12, 2005, at 10:00 AM, at the State Office Building, 819 North Sixth Street, Milwaukee, in Room 260-A, a public hearing will be held before Referee Kathleen Callan Brady on the petition of Gerald M. Schwartz (Schwartz) of Glendale, Wisconsin, to reinstate his Wisconsin law license. Any interested person may appear at the hearing and be heard in support of, or in opposition to, the petition for reinstatement.

Schwartz's license, which had been previously suspended in the mid-1980's for ninety days, was suspended again for sixty days in 1993 for misconduct consisting of his failure to keep his clients advised of significant developments in a personal injury action, his acting contrary to his clients' explicit direction in seeking a settlement of their claim, his failure to timely conclude a settlement and his subsequent failure to promptly deliver their file to successor counsel. *Disciplinary Proceedings Against Schwartz*, 174 Wis.2d 312, 496 N.W.2d 605 (1993). Without having reinstated, Schwartz's license was suspended for eighteen months in 1995, when he was found to have failed to pursue a client matter with reasonable diligence and promptness; failed to communicate with his clients regarding the matter; failed to provide an accounting of his work and refund the unearned portion of his retainer and did not take appropriate steps to protect the clients' interests upon terminating his representation in one matter. In another matter, Schwartz failed to appear on his client's behalf in an action; failed to respond to letters from opposing counsel; failed to notify his client, opposing counsel and the court of his administrative suspension from the practice of law for failure to comply with CLE requirements and failed to promptly withdraw from the client's representation. In addition, Schwartz continued to practice law while suspended, failed to respond to

numerous inquiries from BAPR and the district committee investigating his conduct and made false statements of material fact in the course of that investigation. *Disciplinary Proceedings Against Schwartz*, 193 Wis.2d 157, 532 N.W.2d 450 (1995).

In the instant reinstatement proceeding, Schwartz has the burden of substantiating by clear, satisfactory and convincing evidence that, among other things, he has not practiced law or engaged in certain law-related activities violative of SCR 22.26(2) during the period of suspension; his conduct since the revocation has been exemplary and above reproach; he has a proper understanding of and attitude toward the standards that are imposed upon members of the bar and will act in conformity with the standards; he can safely be recommended to the legal profession, the courts, and the public as a person fit to be consulted by others and to represent them and otherwise act in matters of trust and confidence and in general to aid in the administration of justice as a member of the bar and as an officer of the courts; he has fully described all of his business activities during the period of suspension; and that he has made restitution to or settled all claims of persons injured or harmed by his misconduct or, if not, has explained his failure or inability to do so. Moreover, Schwartz has the burden of demonstrating by clear, satisfactory, and convincing evidence that he has the moral character to practice law in Wisconsin, and that he has fully complied with the terms of the suspension orders and with the requirements of SCR 22.26.

Relevant information may be provided to or obtained from OLR Investigator Melody Rader-Johnson or OLR Litigation Counsel William J. Weigel, 110 East Main Street, Suite 315, Madison, WI 53703. OLR's toll free number is (877) 315-6941.